

The Honorable Richard A. Jones
The Honorable Brian A. Tsuchida

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTH CASCADES CONSERVATION
COUNCIL; and KATHY JOHNSON,

Plaintiffs,

v.

UNITED STATES FOREST SERVICE, an
administrative agency of the United States of
America; VICKI CHRISTIANSEN, Chief of
the Forest Service; JAMIE KINGSBURY,
Former Forest Supervisor for Mount Baker-
Snoqualmie National Forest; JODY WEIL,
current Forest Supervisor for Mount Baker-
Snoqualmie National Forest; PETER FORBES,
Former District Ranger for Darrington Ranger
District; ERIN ULOTH, Former Acting District
Ranger for Darrington Ranger District;
GRETCHEN SMITH, Current District Ranger
for Darrington Ranger District; PHYLLIS
REED, Project Lead for Darrington Ranger
District,

Defendants.

CASE NO. C20-1321RAJ-BAT

**STIPULATION FOR ORDER
FURTHER EXTENDING BRIEFING
SCHEDULE IN LIGHT OF
SUPPLEMENTATION OF
ADMINISTRATIVE RECORD;
ORDER THEREON**

WHEREAS on March 8, 2021, in preparing defendants' opposition to plaintiffs' summary judgment motion, it was discovered that certain appendices that should have been included in the administrative record were mistakenly omitted from the record; and

STIPULATION FOR ORDER FURTHER EXTENDING BRIEFING SCHEDULE IN
LIGHT OF SUPPLEMENTATION OF ADMINISTRATIVE RECORD;
ORDER THEREON - 1
(Case No. C20-1321RAJ-BAT)

UNITED STATES ATTORNEY
5220 UNITED STATES COURTHOUSE
700 Stewart Street
Seattle, Washington 98101-1271
(206)-553-7970

1 WHEREAS the parties agree that the foregoing necessitates a formal supplementation of the
2 administrative record by defendants; and

3 WHEREAS at least some of the missing appendices may have a direct bearing on arguments
4 made by plaintiffs in their motion; and

5 WHEREAS counsel for the parties have conferred to discuss possible courses of action
6 considering this unanticipated circumstance; and

7 WHEREAS the parties preferred solution is to propose to the Court a further extension of the
8 present briefing schedule in this lawsuit in order to allow defendants to supplement the
9 administrative record and to afford plaintiffs an opportunity to consider the new material and to
10 decide whether they would like to go forward with their motion for summary judgment on the basis
11 of the memorandum they have already filed or to submit a new or revised memorandum; and

12 WHEREAS because the acceptance of the parties' proposal by the Court will necessarily
13 result in a delay of the briefing schedule, the Forest Service has agreed that it should voluntarily
14 delay ground disturbing activities in support of the Project that is the subject of this lawsuit until
15 July 1, 2021;

16 NOW THEREFORE the parties through their respective counsel of record do hereby
17 stipulate and agree that the Court may make and enter the following order:

18 1. By no later than March 22, 2021, defendants shall supplement the administrative record in
19 this action with appendices that should have been lodged with the original administrative record.

20 2. By no later than Friday, April 9, 2021, plaintiffs shall either file a revised memorandum in
21 support of their motion for summary judgment or notify defendants and intervenors that they intend
22 to rely on their original memorandum.

23 3. Defendants and intervenors shall file their respective oppositions to plaintiffs' summary
24 judgment motion by no later than Monday, April 26, 2021, supported by a memorandum of law that
25 shall not exceed 24 pages in length.

26 4. Plaintiffs may, if they choose, file a reply memorandum by no later than Friday, May 7,
27 2021. The optional reply memorandum shall not exceed 12 pages in length.

5. Plaintiffs' motion for summary judgment shall be noted for Friday, May 7, 2021.

6. The parties may seek an adjustment in the page limitations as necessary pursuant to LCR 7(f) of the Local Rules of this District.

7. Should plaintiffs conclude following their review of the supplemental administrative record that some or all of the materials contained therein are not properly a part of the administrative record for the South Fork Stillaguamish Vegetation Project they shall not be foreclosed from asking the Court upon a sufficient showing to order that those materials be stricken from the administrative record.

SO STIPULATED.

DATED this 12th day of March 2021.

TESSA GORMAN
Acting United States Attorney

/s/ Brian C. Kipnis
BRIAN C. KIPNIS
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Attorneys for Defendants

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1 **SO STIPULATED.**

2 DATED this 12th day of March 2021.

3 BRICKLIN & NEWMAN, LLP

4 /s/ David A. Bricklin

5 DAVID A. BRICKLIN, WSBA No. 7583

6 /s/ Alex Sidles

7 ALEX SIDLES, WSBA No. 52832

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10 Telephone: 206-264-8600

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12 Attorneys for Plaintiffs

13 **SO STIPULATED.**

14 DATED this 12th day of March 2021.

15 /s/ Lawson E. Fite

16 Lawson E. Fite, WSBA #44707

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23 /s/ Sara Ghafouri

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Attorneys for Defendant-Intervenors

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28 STIPULATION FOR ORDER FURTHER EXTENDING BRIEFING SCHEDULE IN
LIGHT OF SUPPLEMENTATION OF ADMINISTRATIVE RECORD;
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ORDER

IT IS SO ORDERED.

DATED this ____ day of March 2021.

BRIAN A. TSUCHIDA
Chief United States Magistrate Judge